



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,445	03/25/2004	Nobuto Kimata	NS-US035178	4860
22919 7590 08/20/2007 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			EXAMINER CHAMPAGNE, LUNA	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			08/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/808,445	Applicant(s) KIMATA ET AL.	
	Examiner Luna Champagne	Art Unit 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's amendment received on June 5, 2007 is acknowledged. Claims 1 and 11 are cancelled. Claims 2-10,12-20 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, 5, 6, 8, 9, 12-16, 18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over by Forbis et al. (US 2004/0078288 A1), as supported by the provisional application (60390014), in view of Isaf et al. (US 2002/0007340 A1).

3. Re claims 2 and 5, Forbis et al. teach a price revising method for assisting an ordering party and a plurality of selling parties to revise a contract on a commodity comprising (See e.g. *paragraph 0013 – method for determining retroactive price adjustments, also see e.g. paragraph 0058 – an agreement between a purchaser and a seller for terms and conditions of a sale of a product from the buyer to the seller*): displaying information to the ordering party prompting entry the commodity and a price fluctuation amount relating to at least one cost parameter of the commodity (See e.g. *paragraph 0083*); calculating a monetary effect to the plurality selling parties for a case in which the price of the commodity is changed according to the fluctuation amount (See e.g. *fig. 6, paragraphs 0080 and 0075*); revising detailed price data

according to the fluctuation amount to create a price revision for the commodity based on an existing order for the commodity that had been established between the plurality selling parties and the ordering party (See e.g. paragraph 0077).

Forbis et al. do not explicitly teach sending the price revision to the one or more selling parties for approval of the price revision; and executing the price revision to produce a revised order by the ordering party in compliance with information indicating that the one or more selling parties has approved the price revision; the displaying of information further prompting the ordering party to enter the plurality of selling parties for receiving the price revision; displaying of information prompting the ordering party to enter a designation to associate all selling parties having contracts containing the cost parameter, such that the selling having contracts containing the cost parameter receive the price revision.

However, Isaf et al. teach sending the price revision to the one or more selling parties for approval of the price revision (*the buyer may initiate a "request for quotation"*); and executing the price revision to produce a revised order by the ordering party in compliance with information indicating that the one or more selling parties has approved the price revision (*each seller has the option to indicate approval of the proposed order or make a counteroffer*); the displaying of information further prompting the ordering party to enter the plurality of selling parties for receiving the price revision: displaying of information prompting the ordering party to enter a designation (*the buyer will specify parameters*) to associate all selling parties having contracts containing the cost parameter, such that the selling having contracts containing the cost parameter receive the price revision (See e.g. paragraph 0088).

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art, to modify Forbis et al. include the steps of sending the price revision to the one or more selling parties for approval of the price revision; executing the price revision to

produce a revised order by the ordering party in compliance with information indicating that the one or more selling parties has approved the price revision; displaying information further prompting the ordering party to enter the plurality of selling parties for receiving the price revision, displaying of information prompting the ordering party to enter a designation to associate all selling parties having contracts containing the cost parameter, such that the selling having contracts containing the cost parameter receive the price revision, as taught by Isaf et al., in order to provide a centralized system that will improve the relationship between the parties and increase profitability.

Re claims 3, 6, 9, 16 and 18: Forbis et al. teach the price revising method wherein the displaying of information prompts entering the fluctuation amount (*buyer to make corrections to a current price – see paragraph 0085*) in terms of at least one of the cost parameters including component parts for manufacturing the commodity, materials used in manufacturing the commodity, scrap generated when manufacturing the commodity (*data relevant to the terms of agreement - see paragraph 0059*).

Re claims 8 and 13: Forbis et al. do not explicitly teach the price revising method, wherein the displaying of information prompts the ordering party to enter the commodity and the price fluctuation amount for each of the plurality of selling parties for receiving the price revision

However, Isaf et al. teach the price revising method, wherein the displaying of information prompts the ordering party to enter the commodity and the price fluctuation amount for each of the plurality of selling parties for receiving the price revision

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art, to modify Forbis et al. include the steps of displaying of information

Art Unit: 3627

prompts the ordering party to enter the commodity and the price fluctuation amount for each of the plurality of selling parties for receiving the price revision, as taught by Isaf et al. in order to expand the buyer's market reach.

Re claims 12, 14 and 15, Forbis et al. teach a price revising system for assisting an ordering party and one or more selling parties to revise a contract on a commodity comprising (See e.g. paragraph 0013 – *method for determining retroactive price adjustments*, also see e.g. paragraph 0058 – *an agreement between a purchaser and a seller for terms and conditions of a sale of a product from the buyer to the seller*); an ordering party presenting section configured and arranged to present on an ordering party terminal a display prompting entry of the commodity and a price fluctuation amount relating to at least one cost parameter of the commodity (See paragraphs e.g. 0083 and 0059); a calculating section configured and arranged to calculate a monetary effect to the one or more selling parties for a case in which a cost of producing the commodity has changed according to the fluctuation amount entered from the ordering party terminal and making the calculated monetary effect available for comparison on the ordering party terminal (See e.g. paragraphs 0080, 0075 and 0135); a price revising section configured and arranged to create a price revision to detailed price data according to the fluctuation amount for the commodity based on an existing order of the commodity that has been established between the plurality of selling parties and the ordering party, and to send the price revision to plurality of selling party terminals (See e.g. paragraphs 0128); the price revising system, wherein the calculating section is further configured and arranged to calculate the monetary effect for each of the selling parties to be associated with the price revision (See paragraph 0075).

Forbis et al. fail to teach a selling party presenting section configured and arranged to present on the one or more selling party terminals a display prompting the one or more selling parties to approve the price revision, and to send information indicating that the one or more selling parties has approved the price revision back to the ordering party terminal; the ordering party presenting section configured and arranged to present on an ordering party terminal a display prompting entry of the plurality of selling parties for the receiving price revision.

However, Isaf et al. teach a selling party presenting section configured and arranged to present on the one or more selling party terminals a display prompting the one or more selling parties to approve the price revision, and to send information indicating that the one or more selling parties has approved the price revision back to the ordering party terminal; the ordering party presenting section being further configured and arranged to present on the ordering party terminal a display prompting entry of the plurality of selling parties for the receiving price revision (*See paragraph 0088*).

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art, to modify Forbis et al. and include the steps of a selling party presenting section configured and arranged to present on the one or more selling party terminals a display prompting the one or more selling parties to approve the price revision, and to send information indicating that the one or more selling parties has approved the price revision back to the ordering party terminal; the ordering party presenting section being further configured and arranged to present on the ordering party terminal a display prompting entry of the plurality of selling parties for the receiving price revision, as taught by Isaf et al., in order to provide a centralized system that will improve the relationship between the parties and increase profitability.

Art Unit: 3627

4. Claims 4, 7, 10, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Forbis et al. (US 2004/0078288 A1), as supported by the provisional application (60390014), in view of Isaf et al. (US 2002/0007340 A1), as applied to claims <sup>5</sup>~~2~~ and 12 above in further view of Heffner et al. (US 2003/0018558 A1).

Re claims: 4, 7, 10, 17 and 19, Forbis et al. fail to teach the price revising method, wherein the displaying of information prompts entering the price fluctuation amount by presenting a chart that maps selling party information, commodity information, and fluctuation amount information.

However, Heffner et al. teach the price revising method, wherein the displaying of information prompts entering the price fluctuation amount by presenting a chart that maps selling party information, commodity information, and fluctuation amount information (see e.g. paragraph 0261 and 0263).

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art, to prompt for the entry of the price fluctuation amount by presenting a chart that maps selling party information, commodity information, and fluctuation amount information, as taught by Heffner et al., in order to increase visibility and enhance the system for profitability.

#### ***Response to Amendment***

Applicant's remarks with respects to claims 2, 3-10, 12-20 have been considered but are moot in view of the new ground of rejection.



***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shetty et al. (5,870,714), Awadallah et al. (7,127,414 B1), Verma et al. (6,976,006 B1), DeMarcken (6,275,808 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luna Champagne  
Examiner  
Art Unit 3627

July 31, 2007

 8/15/07  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER